UNITED STATES DISTRICT COURT	
NORTHERN DISTRICT OF NEW YORK	K

SYNCA DIRECT, INC.,

Plaintiff and Counterclaim-Defendant,

VS.

MULTIMEDIA DENTAL SYSTEMS, INC.,

06-CV-1263 (LEK) (DRH)

Defendant and Counterclaim-Plaintiff,

VS.

SYNCA, and JOHN DOES 1-5,

Additional Counterclaim-Defendants.

DECLARATION OF JAMES V. MARKS IN SUPPORT OF APPLICATION FOR A CLERK'S CERTIFICATE OF ENTRY OF DEFAULT PURSUANT TO LOCAL CIVIL RULE 55.1

JAMES V. MARKS, declares under penalties of perjury as follows:

- 1. I am a member of Holland & Knight LLP and one of the attorneys for Defendant and Counterclaim-Plaintiff Multimedia Dental Systems, Inc. ("MMD") in the above-referenced action.
- 2. I respectfully submit this Declaration in support of MMD's application for a Clerk's Certificate of Entry of Default against Additional Counterclaim-Defendants Synca, a/k/a Synca Marketing, Inc., a Quebec corporation ("Synca") pursuant to Local Civil Rule 55.1.
 - 3. On November 22, 2006, MMD filed an Answer and Counterclaim.
- 4. On November 29, 2006, a Summons for the Counterclaim was issued as to the Additional Counterclaim-Defendants Synca and John Does 1-5.

- 5. On March 8, 2007, the Additional Counterclaim-Defendant Synca was properly served with the Summons, Answer and Counterclaim pursuant to the Hague Convention, and that proofs of service of same were filed on March 23 and 30, 2007. Attached hereto as Exhibit 1 is a copy of the Certificate of Service.
- 6. To date, the Additional Counterclaim-Defendant Synca has not appeared in the above-captioned action and the time for it to answer or appear has expired.

I declare under penalties of the perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct to the best of my knowledge.

Dated:

New York, New York

April 20, 2007

AMES V. MARKS

4498480_v1

EXHIBIT 1



Le 30 mars 2007

Monsieur James V. Marks HOLLAND & KNIGHT LLP 195, Broadway New York, NY 10007 USA

OBJET:

Convention de La Haye – Signification de procédures

Demandeur: Synca Direct Inc. Défendeurs : Synca Canada & als

Notre dossier:

DA-2007-000004-0079

Cher monsieur,

Suite à votre demande, vous trouverez, ci-joint, l'attestation complétée ainsi que l'original du rapport de la signification effectuée par le huissier instrumentant concernant le dossier mentionné en titre.

Veuillez agréer, l'expression de nos meilleurs sentiments.

L'Autorité centrale pour le Québec

Par:

Édifice Louis-Philippe-Pigeon 1200, route de l'Église, 2e étage Sainte-Foy (Québec) G1V 4M1 Tél: (418) 643-1436 p. 20748 Télécopieur : (418) 646-1696 www.justice.gouv.qc.ca

sst-germain-gaudreau@justice.gouv.qc.ca http://www.justice.gouv.qc.ca/francais/programmes/sneaje/quebec1.htm March 28, 2007

TRANSLATION

Mr. James V. Marks HOLLAND & KNIGHT LLP 195. Broadway New York, NY 10007 USA

AMENDED

SUBJECT:

THE HAGUE CONVENTION - Service of proceedings

Plaintiff

Synca Direct Inc.

Defendants: Synca Canada & als

Our file:

DA-2007-000004-0079

Dear Sir,

Further to your request, please find enclosed the completed certificate and the original of the return of service made by the serving bailiff in respect of the above-mentioned file.

Yours truly,

Central Authority for Québec per Sylvie St-G. Gaudreau

Enclosures

AFFIDAVIT

I undersigned, Melissa Payeur, bailiff trainee, having my business place situated at 577, Notre –Dame #252, Repentigny, province of Quebec, J6A 2T6, district of Joliette, certify under my oath of office:

1. On March 8th, 2007 at 5:20 pm, I served Summons, answer and complaint to Synca Canada. By leaving copy to a reasonable person having the custody of his or her businesses place or businesses office which somebody was called being Stephanie Monette at 337, Marion street in Repentigny, Quebec.

Declare in Repentigny on March 26th, 2007

Jayee B

Mélissa Payeur

Bailiff trainee

	CERTIFICATE
Ado	dressee Synca Cannan
The	e undersigned authority has the honour to certify, in conformity with Article 6 of the Convention,
1)	that the document has been served
	the (date) MARCH & 2007 AT 17H20
	-at (place-street, number) hony. Man'en street 337
	- in one of the following methods authorized by Article 5:
	[Y(a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of Article 5 of the Convention
	[] (b) in accordance with the following particular method
	[] (c) by delivery to the addressee, who accepts if voluntarily.
The	documents referred to in the request have been delivered to:
	- (identity and description of person) for it respons to the control of the contr
	for it reeson reasonable were given costody on his
	relationship to the addressee (lapilly pushess or other) is Michelle
	BC610(S)
2)	that the document has not been served, by reason of the following facts:
In c	onformity with the second paragraph of Article 12 of the Convention, the applicant is requested to pay
or r	eimburse the expenses detailed in the attached Statement.
INA	NEXES
Doo	euments returned:
	Done at Reporting Mirch 26, 200
D	MICHEL GAUCHER 577 NOTRE-DAME, #252 Signature and/or stamp REPENTIGNY (QUEBEC) J6A 276
	numents establishing the service:
C	nd complaint application

Case 1:07-cy-26230-WHP DISTRICT: COUR Synca Canada Demanderesse et Défenderesse reconv Multimedia Dental Systems Inc. Défenderesse et Demanderesse reconv Synca et John Does 1-5, Défendeur reconventionnels additi ------Honoraires-----50.00 Signification Sous-total: 50.00 TPS: 0.00 TVQ:

Documentalies Filed of 29/1007 place dataires au 577, rue Notre-Dame, bureau 252 Repentigny, district de Joliette, Huissier stagiaire du Québec, certifie sous mon serment d'office que le

8ième jour de Mars 2007, à 17h20, j'ai signifié le (la) présent(e) Summons, Answer and Complaint

à Synca Canada

en laissant copie dûment certifiée parlant et laissant la (les) dite(s) pièce(s) à une personne raisonnable ayant la garde à sa place d'affaires ou bureau d'affaires laquelle personne s'est nommée comme étant

Stéphanie Monette au 337, rue Marion Repentigny, QC.

et l'ai noté sous ma signature la date et l'heure de la signification au verso de l'acte de procédure ainsi signifié.

Je certifie de plus que la distance autorisée par le C.P.C. est de 0 kilomètres et que la distance nécessairement parcourue est de 0 kilomètres.

Route: 08/03/2007 17h20 0 kms- 337, rue Marion

, ce 26 Mars 2007

Ministère de la Justice du Québec Direction du droit administratif ()

Huissier



TOTAL (9432898):

MICHEL GAUCHER, HUISSIER DE JUSTICE & ASSOCIÉS S.E.N.C

577, rue Notre Dame, bureau 252, Repentigny (Québec) J6A 2T6

☐ 14, rue Davis St-Bruno, (Québec) J3V 1C8

☐ 2580, rue de la Giboulée, Terrebonne (Québec) J6X 4S3

0.00

50.00\$

Téléphone: (450) 654-6511 Fax: (450) 654-0341 Ligne Directe: 1-800-363-0014

Signification

Copie du client

Case 1:07-cy-06030-WHP DISTRICT: COUR Synca Canada Demanderesse et Défenderesse reconv Multimedia Dental Systems Inc. Défenderesse et Demanderesse reconv -et-Synca et John Does 1-5, Défendeur reconventionnels additi ------Honoraires-----Signification 50.00 Sous-total: 50.00 TPS: 0.00 TVQ: 0.00 TOTAL (9432898): 50.00\$

Document d'office que le

8ième jour de Mars 2007, à 17h20, j'ai signifié le (la) présent(e) Summons, Answer and Complaint

à Synca Canada

en laissant copie dûment certifiée parlant et laissant la (les) dite(s) pièce(s) à une personne raisonnable ayant la garde à sa place d'affaires ou bureau d'affaires laquelle personne s'est nommée comme étant

Stéphanie Monette au 337, rue Marion . Repentigny, QC.

et j'ai noté sous ma signature la date et l'heure de la signification au verso de l'acte de procédure ainsi signifié.

Je certifie de plus que la distance autorisée par le C.P.C. est de 0 kilomètres et que la distance nécessairement parcourue est de 0 kilomètres.

Route: 08/03/2007 17h20 0 kms- 337, rue Marion

, ce 26 Mars 2007

Ministère de la Justice du Québec Direction du droit administratif ()

Huissier



MICHEL GAUCHER, HUISSIER DE JUSTICE & ASSOCIÉS S.E.N.C

☐ 577, rue Notre Dame, bureau 252, Repentigny (Québec) J6A 2T6

☐ 14, rue Davis St-Bruno, (Québec) J3V 1C8

☐ 2580, rue de la Giboulée, Terrebonne (Québec) J6X 4S3

Téléphone: (450) 654-6511 Fax: (450) 654-0341 Ligne Directe: 1-800-363-0014

Signification

Copie comptable